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# THE RESEARCH REVIEW

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The House Judiciary Committee worked throughout the day on Wednesday with over 60 bills on calendar.

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## THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider three bills on calendar.

**HB 1428 (Niceley)** was *referred to Government Operations as amended*. This bill declares that issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper state regulations and inspection and not by banning the humane slaughter of surplus domestic horses at the federal level or by exporting such horses to foreign countries for slaughter. The department of agriculture, through the promulgation of rules and regulations, shall establish and administer a program for the licensure, licensure renewal, permitting, inspection, and regulation of equine slaughter and processing facilities in Tennessee. The department shall not expend any funds, utilize any resources, or promulgate any rules or regulations to effectuate the purposes of this act until such time as federal restrictions are removed to permit a feasible market for meat from horses slaughtered and processed in the United States or until such time the commissioner of agriculture determines that a need for state inspection of horse meat is apparent.

**HB 1360 (Niceley)** was *deferred one week*.

**HB 2098 (Towns)** was *rolled to the first calendar in February, 2010*.

The committee also recognized the 10<sup>th</sup> anniversary of the Center for Profitable Agriculture's and heard remarks from Rob Holland, the Center's Director. The center is UT Extension's educational program for value-added agriculture, and it is dedicated to one-on-one analysis with Tennessee farmers, outreach education and development of Extension educational materials. The center has a formal partnership with Tennessee Farm Bureau Federation.

## GENERAL SUBCOMMITTEE OF AGRICULTURE

The Gen. Sub. of Agriculture did not meet this week.





# children & family affairs

Amelia Mitchell

## THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, May 13<sup>th</sup> and considered the following legislation:

Referred to Finance, Ways & Means:

**HB 686 by Rep. Richardson** as amended requires the Executive Director of the Select Committee on Children & Youth to establish a non-funded, post-custody services advisory council that shall report their findings to the Children & Family Affairs Committee of the House and the General Welfare, Health & Human Resources Committee of the Senate.

**HB 332 by Rep. S. Jones** as amended requires that DCS give the highest priority to reports of harm to a child by either investigating such report or completing an assessment of the child and family if this report of harm comes from a school teacher, school principal, school administrator, other school personnel, mental health professional, law enforcement official or health care provider.



**HB 1301 by Rep. S. Jones** adds residing with a parent who uses or has within 72 hours used certain drugs to the definition of abuse and requires immediate removal of a child whose parent uses or has within 72 hours used certain drugs.

**HB 1383 by Rep. S. Jones** as amended states that the Select Committee on Children and

Youth shall study the effectiveness of the child protective services system in Tennessee. They shall also develop recommendations for its improvement and is authorized to establish a study committee to help with this task.

Referred to Calendar & Rules:

**HJR 369 by Rep. Bell** urges the United States Senate to reject the ratification of United Nations Convention on the Rights of the Child.

**HB 1298 by Rep. S. Jones** as amended clarifies that agencies advertising to provide child-placing services in Tennessee are required to be licensed pursuant to Tennessee law. Those agencies that are not licensed in Tennessee, but must advertise in a Tennessee media market, must state that the agency is not licensed in this state.

Deferred one week:

**HB 327 by Rep. S. Jones** as amended redefines “foster care” and “foster parent” so that the definitions are consistent with the provisions regarding adoption and juvenile proceedings in the TCA. It also establishes that a child who has been placed in the care of a relative for a continuous 12 month period is considered dependent and neglected if the child will endure harm if removed from the home.

**HB 829 by Rep. S. Jones** as amended requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with commission of an offense that would be a felony if committed by an adult.

**HB 2295 by Rep. S. Jones** revises requirements for mental health evaluations of juveniles alleged to be delinquent or unruly.

Deferred to 2010:

**HB 637 by Rep. Maggart** as amended requires parties in a divorce to file certain documents with the court or with the mediator if the marital property includes real property owned during the marriage as the primary residence.

Deferred to Summer Study:

**HB 2372 by Rep. McCord and Rep. Montgomery** states that adoptive parent/parents of a child that has been removed from the home and sent to DCS for reasons other than dependency or neglect shall not be required to pay for the care of the child while that child is in the custody of DCS.

Taken off notice:

**HB 459 by Rep. McDonald** as amended requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with commission of

## THE FULL COMMITTEE

The **Commerce Committee** passed out twenty one bills on Tuesday during its full committee meeting. The committee is now closed subject to the call of the chair.

**HB 1846 (Miller L)** requires the state treasurer to submit a written report annually concerning the assistance program for small and minority-owned businesses.

*[passed to Calendar & Rules]*

**HB 1932 (Jones U)** as amended exempts the Shelby County Cemetery from the requirements of funeral directing when performing burials for indigents.

*[passed to Calendar & Rules]*

**HB 2316 (Pitts)** places Tennessee in compliance with the federal Secured and Fair Enforcement Mortgage Licensing Act. The SAFE Act is designed to enhance consumer protection and reduce fraud by having states establish minimum standards for the licensing and registration of mortgage loan originators. An amendment was adopted that exempts manufactured housing retailers and adds the definition of a “loss mitigation specialist.”

*[passed to Government Operations]*

**HB 472 (Cobb C)** as amended, limits renewal clauses in alarm systems contracts to one year. It also allows for cancellation during the renewal period if the individual is moving into a nursing home, hospital, or assisted living.

*[passed to Finance, Ways, & Means]*

**HB 2289 (Cobb C)** as amended authorizes the creation of an All Payers’ Claims Database to be used by the

state to acquire data from all health care providers to show the type of care provided across the state. The database will give the state information on the accessibility and affordability of healthcare, the effectiveness of programs, the distribution of health care resources, and also give the public information on health care providers’ quality of care. The amendment creates the Tennessee Health Information Committee to oversee the development and use of the database.

*[passed to Government Operations]*

**HB 1721 (Lundberg)** as amended allows health care providers to better identify changes to an insurance plan’s policy. Changes to an insurance company’s policy manual must be in a bold typesetting and easily identifiable. Also, by July 2010 all health insurance carriers must maintain a website for providers to use as a pre-adjudication tool to see what payment is to be expected on the day a service is provided.

*[passed to Calendar & Rules]*

**HB 1518 (Fitzhugh)** allows cooperatives and municipal utilities to pool resources to create a new, separate non-profit cooperative to own and operate electricity generating equipment. The amendment removes the four year exemption on ad valorem property taxes. It also requires TACIR to study whether the current wholesale power supply arrangements between the TVA, municipal utilities, and electric cooperatives are likely to change in the future in a way that could affect payments in lieu of taxes from the TVA to the state and local governments.

*[passed to Finance, Ways, & Means]*

**HB 1743 (Fitzhugh)** revises the law on utility pole attachments. The bill as amended: 1) applies best practice standards to pole attachment contract

negotiations; 2) considers any adverse impact to broadband deployment because of rate increases; 3) authorizes the board of a utility to resolve disputes on contract decisions; 4) any party may appeal a board's finding to the chancery court; 5) creates a statewide working group made up of all involved parties to advise on "best practices" concerning pole attachments. Rep. McManus tried to amend the amendment to have the cases in chancery court heard de novo. This would allow the chancellor to hear the case anew without regarding the decision of the utility board. The committee heard testimony from both Chuck Welsh with the cable industry and Walter Haynes with the municipal electric companies. The amendment to the amendment failed.

*[passed to Finance, Ways, & Means]*

**HB 1249 (Curtiss)** as amended limits an unlicensed contractor's damages to actual expenses in any court action. The contractor may not recover overhead and profits.

*[passed to Calendar & Rules]*

**HB 1251 (Curtiss)** as amended creates a licensure for crop insurance adjusters. The Commissioner of Commerce & Insurance would have the ability to place education and certification requirements on individuals applying for the license.

*[passed to Government Operations]*

**HB 1252 (Curtiss)** as amended prohibits a contractor from requiring a subcontractor to waive their lien rights. Upon notice that a contractor has included such a provision, the Board for Licensing Contractors will notify the contractor that the waiver is against public policy. The contractor may voluntarily remove the waiver. However, if the Board finds the contractor did not delete the waiver, then the Board shall revoke the license of the contractor.

*[passed to Calendar & Rules]*

**HB 1589 (Curtiss)** as amended creates a mechanism for property and casualty insurance policies to issue a two-party check to both the insured and the health care provider when an assignment of the benefits is not allowed. This will ensure that the health care provider is properly paid by the policy funds.

*[passed to Calendar & Rules]*

**HB 1907 (Curtiss)** enacts the "Preferred Provider Organization Transparency Act." Health care providers contract with preferred provider organizations (PPOs) to provide care at discounted rates, generally in exchange for increased patient volume, and third parties contract

to access these networks and the discounts. The act will allow health care providers to have more information on third parties that gain access to the provider network contract. An amendment was adopted that exempts any self-funded employer-sponsored health insurance plans from the provisions of the bill.

*[passed to Government Operations]*

**HB 2304 (Shepard)**

requires insurance companies to file an annual report on the insurers' market conduct to the Department of Commerce & Insurance. These reports will tell the state whether an insurance company is properly handling claims and properly handling customer complaints.

*[passed to Government Operations]*



Rep. Shepard

**HB 1110 (Shepard)** imposes disclosure duties on health insurance carriers and pharmacy benefits managers regarding the out-of-pocket costs of prescription drugs. Pharmacists are currently restricted by contract from telling patients how much reimbursement the pharmacist is receiving for a particular drug. The bill will allow a pharmacist to disclose that information to a patient. It also helps patients in figuring out how their percentage-based co-pays are determined. An amendment was adopted that exempts instances when a patient's out-of-pocket cost for a prescription or covered service is percentage-based for only a specified portion or pre-defined subset of drug tiers or specialty drug categories and the remainder of the covered drug prescriptions or services available to the patient are associated with predefined and specific out-of-pocket costs.

*[passed to Calendar & Rules]*

**HB 2362 (McCord)** specifies the duties of the administrator of the Tennessee Athletic Commission. It also provides that any member who misses 3 consecutive meetings without good cause can be removed from the commission. An amendment was adopted to better define "meetings" to include meetings by electronic or other means of communication. It also adds that the appointing authorities will strive to have at

least one member from each city with a population of 150,000 or more on the commission.

*[passed to Finance, Ways, & Means]*

**HB 1423 (Todd)** as amended makes various changes to the Tennessee Athletic Commission Act of 2008. It changes several definitions. It compensates commission members for attending professional contests as well as mandates that at least one commissioner be at each professional contest held in this state. It extends immunity to individuals employed by the commission to assist ring officials. It allows the commission to issue permits to a promoter less than 30 days before the event. It creates a procedure to review complaints submitted to the commission.

*[passed to Finance, Ways, & Means]*

**HB 1520 (Sargent)** as amended makes a correction to legislation enacted last year that prohibits a health insurance carrier from requiring notification of a hospital inpatient admission within a period of time that is less than one business day, if the notification or admission occurs on a weekend or federal holiday.

*[passed to Calendar & Rules]*

**HB 1842 (Sargent)** establishes procedure for disinterment of bodies buried in wrong location in a cemetery. The amendment provides that the cemetery operator notify the family of the wrongly placed deceased by certified mail if necessary. Notice is also

given to the Department of Commerce & Insurance and the Department of Health. The amendment also changes the valuation date from July 1, 2005 to July 1, 2009 that is used to calculate the limitation of net earnings of a cemetery that may be withdrawn for improvement care.

*[passed to Calendar & Rules]*



**Rep. Sargent**

**HB 2085 (Sargent)** enacts the “Tennessee Small Business Investment Company Credit Act.” Under the act, participating investors become eligible for investment tax credits based on qualified capital

investments made by Tennessee small business investment companies who then invest capital in other qualified businesses. The committee heard from Commissioner Reagan Farr with the Department of Revenue. Commissioner Farr testified that the department will recommend changes to ensure the bill is beneficial to the state.

*[passed to Finance, Ways, & Means]*

**HB 793 (Shepard)** addresses recoupment between an insurance carrier and a healthcare provider. An amendment was adopted that makes the bill. In a situation where a provider files a claim with one insurer and it is later determined that the claim should have been filed with another insurer, a provider may file a successor claim with that insurer. The successor insurer may not deny the claim as untimely or for failure to get pre-certification/pre-authorization if the successor insurer would have granted it. A health care provider and insurance carrier may negotiate to toll or extend the time periods for recoupment that are currently in the statute. Also, to address the lag time in reporting if an individual has lost coverage (which can result in recoupment of a wrongfully paid claim), employers must report to the insurer within 60 days of learning of an employee’s change in status. A second amendment was adopted that clarifies that only a health insurance entity or its agent that contracts with providers or is responsible for paying providers may seek to recover payments. No other entity can pursue recoupments under this provision.

*[passed to Calendar & Rules]*

**SB 1165 (Finney)** was *taken off notice*.

**HB 1309 (Harmon)** was *taken off notice*.

**HB 1703 (McCord)** was *rolled to 2010*.

## **UTILITIES AND BANKING SUBCOMMITTEE**

The **Utilities and Banking Subcommittee** is closed subject to the call of the chair.

## **SMALL BUSINESS SUBCOMMITTEE**

The **Small Business Subcommittee** is closed subject to the call of the chair.

## **INDUSTRIAL IMPACT SUBCOMMITTEE**

The **Industrial Impact Subcommittee** is closed subject to the call of the chair.



# conservation & environment

Jeremy Maxwell

## THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider three bills on calendar.

**HJR 413 (Bone)** was referred to Calendar and Rules. This joint resolution urges the United States Congress to change the definition of “renewable biomass” in the Clean Air Act. A copy of this resolution shall be transmitted to the members of the Tennessee Congressional Delegation. It requests that the United States Congress take legislative action to correct the restrictive and intrusive definition of “renewable biomass” contained in the Clean Air Act as amended by the Energy Independence and Security Act of 2007 and prevent additional federal actions that would control forest management practices on private forest lands by defining “renewable biomass” in a restrictive manner.

**HB 1615 (McCord)** was referred to Government Operations as amended. This bill deletes the original bill in its entirety. It defines “wet weather conveyance” for the purposes of permitting by the Department of Environment and Conservation. The bill requires TDEC

to develop rules for wet weather conveyance determinations, and it also requires TDEC to make determinations concerning wet weather conveyances upon request.

**HB 1616 (McCord)** was deferred to 2010.

The full committee is now closed subject to the call of the chair.

## ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee is closed subject to the call of the chair.

## WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee is closed subject to the call of the chair.

## PARKS SUBCOMMITTEE

The Parks Subcommittee is closed subject to the call of the chair.

# consumer & employee affairs

Lucy Wilson

## THE FULL COMMITTEE

The Full Committee had eight bills on calendar for Wednesday, May 13, 2009.

### Passed as amended to Calendar & Rules:

**HB 1471 by Casada** as amended rewrites the bill. When an employer is sold or acquired after an employee has a workers’ compensation injury, the employee will be authorized to seek reconsideration from the successor employer provided the employee retains the right to reconsideration of an award of permanent partial disability benefits and that injury occurs on or after July 1, 2009. This will hold true if either the employee’s employment with the successor employer is involuntarily

terminated through no fault of the employee, or the employee’s rate of pay is reduced to a level below the rate of pay that the employee had at the time of the injury.

**HB 1472 by Casada** as amended requires workers’ compensation claimants to provide the employer or the Division of Workers’ Compensation with a medical release form addressed to the authorized treating physician. Once the employee executes the release, the employee and the employee’s attorney will be entitled to communicate with and obtain medical records from the treating physician. The employee must be provided with a copy of any request for medical reports made by the employer. If the employer communicates with the





**Rep. Casada**

treating physician, then the employer will be required to provide the employee with a summary of the communication within seven (7) days of its occurrence. The employee or employee's attorney must receive seven (7) days advance notice of any oral communication between the employer's attorney and an authorized treating physician.

**Passed as amended to Finance, Ways & Means:**

**HB 1777 by Hackworth** is rewritten by the amendment. This legislation eliminates temporary total disability reductions when calculating the "maximum total benefit" in certain workers' compensation claims. It establishes a specific time frame for which an employee claiming a mental injury is conclusively presumed to have reached maximum medical improvement.

**HB 2324 by Curtiss** addresses the Unemployment Trust Fund balance. As amended, the legislation makes the taxable wage base \$7,000 whenever the unemployment trust fund balance is above one billion dollars; \$8,000 whenever the unemployment trust fund balance is between nine hundred million and one billion dollars; and \$9,000 whenever the unemployment trust fund balance is below nine hundred million. Additionally, the Premium Rate Chart for Nongovernmental Employers has been revised.

Unemployment benefits are increased by an additional \$15.00 per minor child up to a total of \$50. These benefits will be available when the necessary mechanism is in place to receive federal funding under the American Recovery and Reinvestment Act of 2009.

The Commissioner of the Department of Labor and Workforce Development will report to the General Assembly twice a year concerning the condition of the unemployment trust fund.

**Rolled to the first calendar in 2010:**

**HB 0857 by Mumpower** imposes various requirements on contracting agents who sell, lease, assign, transfer, or convey their lists of contracted health care providers and

their contracted reimbursement rate; applies under the Workers' Compensation Law.

**HB 1192 by Mumpower** requires that certain fees paid after January 1, 2010, involving PPO networks meet certain requirements.

**HB 1839 by Pitts** was written to address an issue with worker's compensation insurance in the homebuilders profession. This issue was worked out with the Department of Commerce and Insurance without legislation. The Department will develop a new classification for a limited liability company personnel – up to three individuals – who do not perform actual construction on the jobsite for the purposes of workers compensation coverage. The premiums for this new classification will more accurately reflect the actual risk their job duties entail.

**Taken Off Notice:**

**HB 1899 by Pitts** changes the effective date of Chapter 1041 of the Public Acts of 2008 from December 31, 2009, to July 1, 2012.

**House Consumer and Employee Affairs Committee** and its subcommittees are closed subject to the call of the committee chairs.

## THE FULL COMMITTEE

The Education Committee met Wednesday with 13 bills on calendar. The committee entertained its business after a plea from Dr. Andy Brown with the College of Basic and Applied Sciences at Middle Tennessee State University to fund a new science building there. Actions are as follows:

### *Referred to Calendar & Rules:*

**HJR 308 (Bell)** – This resolution requires the Select Oversight Committee on Education to review assaults on special education teachers. Study shall only happen while the Legislature is meeting for other purposes.

**HR 87 (J. DeBerry)** – This resolution urges the Federal Republic of Germany to recognize the rights of parents to homeschool and to legalize homeschooling in the nation.

**HB 1393 (McCord)** – This bill, as amended, requires LEAs to not start the school year before August 1 unless agreed to by a majority of the school board. Any school calendar that starts before that date will be considered a year-round or alternative calendar.

**HB 1873 (Brown)** – This bill requires each LEA's improvement plan to include parental involvement in planning for attendance in higher education institutions by its students.

### *Referred to Finance, Ways & Means:*

**HB 885 (Cooper)** – This bill, as amended, enacts the "Tennessee Promise Zone Act." It enacts a pilot project at two sites: one in Knox County in House District 15 and in Shelby County in House District 86, to use privately raised funds to guarantee college tuition to students that graduate high school within the zone. The pilot shall be designed and overseen by representatives of the UT, TBR, THEC, Knox County Schools, Memphis City Schools and Shelby County Schools. The design phase of the pilot project shall begin on July 1, 2009 and end on December 31, 2010.

**HB 983 (Shaw)** – This bill requires that a parent have a conversation with the appropriate school administrator within ten days of their child's reinstatement from a suspension of ten days or more. Such contact may be made by phone or email as well as in person. An

amendment that rewrites the bill was adopted in committee.

**HB 1868 (Brown)** – This bill authorizes LEAs to enter into cooperative arrangements to provide further learning opportunities.

**HB 1525 (Hawk)** – This bill, as amended, requires the Select Oversight Committee on Education to study the possibility of opening cyber-based charter schools. The Comptroller of the Treasury is directed to provide a written report on cyber-based charter schools in other states. The joint committee is required to report back House and Senate standing Education committees by January 2010.

### *Referred to Government Operations:*

**HB 1825 (Winningham)** – This bill gives a \$4,000 salary supplement to public school teachers who obtain National Board for Professional Teaching Standards certification.

### *Rolled one week:*

HB 2146 (Harwell), as amended

### *Sent to Education Oversight for study:*

HB 549 (Hardaway)

### *Taken off notice:*

HB 1860 (Brown)

HB 1861 (Brown)

## K-12 SUBCOMMITTEE

The **K-12 Subcommittee** is closed.

## HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** is closed.

# finance, ways & means

Julie Travis

## THE FULL COMMITTEE

The Finance, Ways and Means Committee met Tuesday, May 12<sup>th</sup>, to hear twenty-one bills. The following actions on legislation were taken by the full committee:

### Deferred for two weeks:

HB 631 – Tindell

HB 633 – Tindell

### Referred to Calendar & Rules:

**HB 616 (Todd)**, as amended in House State & Local Government Committee, this requires energy efficient lighting be used in all vending machines on state property after July 1, 2009, or to otherwise have their machines delamped.

**HB 1053 (Lynn)** sunsets the board of electrolysis examiners and transfers the duties of the board to the Commissioner of Health. The bill was amended in full committee to take care of the fiscal note on the bill, by setting up a separate fund within the treasury where the collected fees from the electrolysis examiners will be deposited.

**HB 214 (Harmon)**, as amended and rewritten in the House State & Local Government Committee, increases the maximum number of barrels of beer that may be sold by a manufacturer of alcoholic beverages in a retail setting at the manufacturer's location each year.

**HB 351 (Hackworth)**, as amended in full committee, increases the maximum fine to \$5,000 for simple assault and \$15,000 for aggravated assault, if the victim is a law enforcement officer. Simple assault is still punishable as a Class A or a Class B misdemeanor, and aggravated assault is still punishable as a Class C or a Class D felony. This bill, as amended, just increases the fine amount able to be charged to a person who has assaulted an officer of the law.

**HB 467 (Mumpower)** is a highway/bridge sign bill honoring a member of the military that was killed in action. The bridge to be named is Bridge No. 82-SR-044-7.89, on State Route 44 at its intersection with Possum Creek Road in the Cedar Grove community of Sullivan County, and will be designated as the "*SP4 Arthur Wayne Glover Memorial Bridge*." The bill directs the Department of Transportation to manufacture

and erect suitable signs. The cost of such signage shall be funded in accordance with TCA §54-1-133 and will thus come out of the highway fund.

**HB 1155 (Shepard)**, as amended and rewritten in the House State & Local Government Committee, creates a direct shippers license to be issued through the Alcoholic Beverage Commission that will allow a wine manufacturer or supplier licensed in Tennessee or in any other state to ship up to nine liters of wine per month, and up to 27 liters per year directly to a Tennessee resident, 21 years old and older. Any shipper licensed by the state must hold a federal basic permit pursuant to the Federal Alcohol Administration Act. It also creates a Class E felony, punishable by fine only, for shipping wine into the state without a license.

**HB 1263 (Sontany)**, as amended in the House Transportation Committee, makes various changes to the statutory provisions governing Regional Transportation Authorities and the provisions for issuance of bonds.

**HB 1347 (Pruitt)**, as amended in the House State & Local Government Committee, prohibits municipal revenue derived from ad valorem taxes to be utilized for convention center expenditures, and authorizes the use of up to one third of the one percent hotel privilege tax currently earmarked in Nashville for the promotion of tourism for the purpose of funding Nashville's new convention center. The House Finance Committee also amended the bill adding language that would require an effort to be made in ensuring diversity of the board of directors.

**HB 1448 (McCord)**, as amended in the full committee, reworks the makeup of the 17-member Judicial Selection Commission and the 9-member Judicial Evaluation Commission.

**HB 1468 (Shepard)** authorizes housing authorities to pay energy efficiency and sustainable development costs in redevelopment projects.

**HB 1501 (Fitzhugh)**, as amended with the House Finance Committee Amendment, authorizes the State Funding Board, in accordance with policy guidelines approved by resolution of the Board and duly acknowledged by both the House and Senate Finance, Ways and Means Committees, to authorize the State

Treasurer to enter into short-term arrangements or obligations not authorized elsewhere for the sole purpose of meeting the liquidity needs of the State Pooled Investment Fund. It also requires the State Treasurer to report any such arrangements to the House and Senate Finance, Ways and Means Committees. According to the Department of the Treasury, this bill as amended would permit the Treasurer to use agency securities as collateral to raise liquidity funding or enter into stand-by arrangements to provide liquidity.

**HB 1629 (McCord)** requires DCS to provide certain post adoption services which include crisis intervention, family and individual counseling, support groups for parents and children, referral services for community, education, mental health, and medical provider systems, respite services, case management, and networking of families and community providers to families who have adopted children who DCS had legal responsibility immediately preceding the adoption or to biological families of children adopted through DCS.

**HB 1673 (Matlock)** authorizes utility districts to own and operate natural gas vehicle fueling stations.

**HB 1996 (Bone)** requires a non-participating manufacturer of cigarettes to post a corporate surety bond of \$100,000 in favor of the State of Tennessee in order for the non-participating manufacturer in the Tobacco Master Settlement Agreement to be included in the directory of approved tobacco product manufacturers. It also authorizes the State to execute any such surety bond for recovering amounts not placed into escrow, as required by the Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999, and for recovering penalties and attorneys' fees.

**HB 2037 (Sargent)** requires law enforcement officers to request proof of financial responsibility in all motor vehicle violations. Current law only requires proof of insurance in all moving violations.

**HB 2194 (Harmon)** authorizes school districts to remain separate in counties where the municipal and county governments consolidate, if one or more of the local education agencies is a special school district that is not authorized to consolidate in its original governing act. Special school districts operating as such may continue to do so in the event of county and municipal government consolidation. School districts may also remain separate and continue to operate autonomously.

**HB 2308 (Curtiss)** is an administration bill which requires offenders under the jurisdiction of the Board of

Probation and Parole who transfer residence to another state pursuant to the interstate compact for the supervision of adult offenders to pay to the Board an application fee for the transfer. It also requires the board of probation and parole to set the amount of the application fee by rule.

**HB 2364 (Curtiss)** revises the composition of the fiscal review committee's subcommittee on contract services, putting into law their current practice.

**HB 2376 (Shepard)** removes the destruction of a weapon as an option for disposing of confiscated weapons. Under current law, weapons may be sold, retained for law enforcement purposes, or destroyed.

### **BUDGET SUBCOMMITTEE**

On Wednesday, May 13, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with fifty-five bills on its regular calendar and two addenda. Subcommittee action on these bills is as follows:

#### **Deferred for One Week:**

HB 113 – Bell  
HB 1760 – Curtiss  
HB 2216 – Gilmore  
HJR 4 – Hardaway  
HB 1543 – Stewart  
HB 2264 – M. Turner  
HB 1144 – H. Brooks  
HB 238 – J. DeBerry  
HB 13 – Floyd  
HB 2038 – Harrison (*as amended with BSA1*)  
HB 2141 – Lundberg  
HB 461 – Odom  
HB 1751 – M. Turner  
HB 1892 – Coleman  
HB 2249 – Fincher

#### **Deferred for Two Weeks:**

HJR 113 – Armstrong  
HB 1517 – Curtiss  
HB 348 – Hackworth

#### **Deferred to the Last Calendar:**

HB 292 – Coley  
HJR 149 – McCord  
HB 1947 – Shaw  
HB 1824 – Winningham

#### **Deferred to 2011:**

HJR 150 – Kelsey



**Taken Off Notice:**

HB 210 – Coley  
HB 212 – Coley  
HJR 83 – Hardaway

**Behind the Budget:**

HB 525 – Coley  
HB 526 – Coley  
HB 1732 – Hackworth  
HB 1972 – Harmon  
HB 609 – Stewart  
HJR 75 – Stewart  
HB 606 – J. DeBerry  
HB 607 – J. DeBerry  
HB 611 – J. DeBerry  
HB 612 – J. DeBerry  
HB 666 – J. DeBerry  
HB 2193 – J. DeBerry  
HB 1302 – S. Jones  
HB 882 – Maddox

**Referred to Study Sub:**

HB 852 – Odom

**Referred to Full Committee:**

**HB 92 (J. Cobb)** – As amended in Budget Sub., and thus rewriting it, this bill permits the use of conventional school buses with up to twelve years of service and Class D school buses with up to fifteen years of service as long as certain conditions are met. The dept. of safety is also authorized through this bill to collect a fee for additional inspections on older school buses, with 16 and 17 years of service, with fees paid by the owner of the bus and it being on an inspection-by-inspection basis.

**HB 50 (Gilmore)** – As amended in Study Sub., this bill urges the Health Equity Commission to study the disproportionate impact that HIV/AIDs has on the African-American community.

**HB 529 (Hackworth)** – This bill extends for four additional years the Joint Select Committee to Study Business Taxes, from June 30, 2009 to June 30, 2013.

**HB 714 (McCord)** – As amended in Judiciary, this bill deals with criminal trespass relative to railroads and utility right-of-ways. The Judiciary Committee also added a new section to the bill dealing with charters, allowing the charter to increase the duties of certain constitutional county offices, such as the sheriff, register of deeds, county clerk, property assessor, and trustee.

**HJR 119 (L. Miller)** – As amended in Study Sub., this HJR requires TACIR in consultation with the University of Memphis, to study the financial impact of legal gambling unrelated to a state lottery on the tax revenues collected within the southeastern United States. The reporting deadline for this study committee is January 1, 2010.

**HB 1477 (Montgomery)** – As amended in Budget Sub., this bill names the TBI Headquarters as the “Arzo Carson TBI State Office Building.” The new designating signs will be paid with non-state funds or will be erected at the time of regular scheduled replacement, in accordance with the regular replacement schedule.

**HB 1278 (Stewart)** – As amended in Budget Sub., to correct a typographical error, this bill enacts the Uniform Debt Management Services Act.

**HB 1484 (Tindell)** – Recommended for passage by the Council on Pensions & Insurance and the Budget Subcommittee, this bill requires the list of nominees for the firefighter representative to the TCRS Board of Trustees be submitted by the Tennessee professional fire fighters association.

**HB 574 (B. Cooper / M. Turner)** – As amended by the Consumer & Employee Affairs Committee, this bill increases various fees for inspections conducted by the department of labor and workforce development through the elevator and amusement device safety board.

**HB 1500 (Fitzhugh)** – This bill is in response to a Tennessee Supreme Court ruling by adding certain injuries to the list of those injuries not covered under workers’ compensation, such as if an employee dies or is injured while voluntarily participating in a recreational, social, athletic, or exercise activity while during a work break, regardless of whether the employer pays some or all of the costs of medical care.

**HB 925 (Hawk)** – This bill, as amended in House Judiciary Committee, deals with handgun safety courses, prohibiting the department from requiring the handgun safety course applicant’s social security number to be provided upon the handgun safety course’s completion form and it also prohibits the course instructor from withholding proof of completion based solely on the applicant not providing his or her social security number.

**HB 2326 (McDonald)** – This bill deals with outdoor advertising that has been erected illegally. As amended in the House Transportation Committee, the bill prohibits the issuance, transfer, or renewal of outdoor advertising

permits or tags to persons who have erected an outdoor advertising device without first obtaining a permit or tag.

**HB 1963 (Sargent)** – As amended in Consumer & Employee Affairs Committee, this bill restricts the amount of permanent partial disability an employee can receive if that employee was not eligible to work in the U.S. at the time of the injury.

**HB 1001 (Lynn)** – This bill, as amended in the Government Operations Committee and the Budget Subcommittee, extends the termination date of the elevator and amusement device safety board until June 30, 2011.



## government operations

Amber Rice

The **Government Operations Committee** met on May 13th to consider twelve bills.

The following bills were deferred for one week: **HB 738 by Rep. Mumpower**, **HB 1273 by Rep. Kernell**, **HB 991 by Rep. Lynn**, **HB 1050 by Rep. Lynn**, and **HB 1815 by Rep. Lynn**.

The following bills were referred to **Calendar and Rules**:

**HB 2268 by Rep. Moore**- Authorizes the Department of Commerce and Insurance (C&I) to establish a guaranty fund for certain self-insured employers. This fund would give self-insured employers an alternate collateral fund mechanism through which they could collectively secure aggregate incurred liabilities rather than securing just the employers own incurred liabilities. Authorizes the C&I to levy penalties and interest against employers who fail to timely pay premium taxes.

**HB 2134 by Rep. Harwell**- Establishes an eleven member Tennessee Museum Commission to govern the existing Tennessee State Museum. The bill removes the current governance and administrative attachment of the museum to the Arts Commission and provides for transition grants from the Arts Commission to the Museum Commission for operating expenses from existing revenue derived from the sale of new specialty earmarked and cultural automobile license plates.

The following bills were referred to **Calendar and Rules with amendment**:

**HB 792 by Rep. Bass**- Requires licensed contract security companies to provide information to local law enforcement agencies relative to the armed and unarmed security guards who are providing services within 15 days of enactment of this bill or within 15 days of beginning service. Requires local law enforcement agencies to notify the Commissioner of Commerce and Insurance of any violation of this requirement. Requires the Commissioner to provide written notification of action to the law enforcement agency.

**HB 999 by Rep. Lynn**- As amended, extends the Emergency Communications Board to June 30, 2014.

The following bill was referred to **Calendar and Rules with a neutral recommendation**:



**HB 1204 by Rep. McCord-** Requires any water quality criterion for fish and aquatic life that is established for selenium to be no more stringent than the recommended national criterion established by the United States Environmental Protection Agency (EPA) at Volume 69, Federal Register No. 242, Friday, December 17, 2004, or as subsequently modified by the agency. If rulemaking action is necessary for the Water Quality Control Board to establish such criterion, any such rules shall be adopted as public necessity rules.

The following bill was referred to **Finance, Ways and Means**:

**HB 1607 by Rep. Maggart-** Creates a category of licensure as a certified medication aide (CMA) for individuals who can administer certain medications under the general supervision of a licensed nurse at a nursing home or assisted living facility.

The following bill was referred to **Finance, Ways and Means with amendment**:

**HB 386 by Rep. Sontany-** Requires the Commissioner of the Department of Agriculture to license and regulate commercial dog and cat breeders under the "Commercial Breeder Act."

## health & human resources

Judy Narramore

### THE FULL COMMITTEE

The **Health & Human Resources Committee** met at 11:00 AM on Tuesday, May 12, 2009, with 16 bills and two resolutions on calendar. Prior to taking up the calendar, Chairman Armstrong recognized Commissioner Gina Lodge, Department of Human Services (DHS). Commissioner Lodge gave a brief DHS budget update and then introduced Connie Hardin for a description of the proposed DHS recovery dollars weatherization program.

**SJR 0201 (DeBerry J)** (as amended in the Senate to rewrite the resolution) that directs the Department of Human Services to consider the number and severity of functional limitations that arise from mental illness in determining the eligibility and priority category for Vocational Rehabilitation services was referred to C&R. **HR 0082 (Stewart)** as amended that creates a six-member legislative study committee to study and identify methods and practices for reducing infant mortality and teen pregnancies was referred to FW&M. **HB 1353 (Favors)** as amended that extends from "within one year of July 1, 2008," to "within one year of July 1, 2011," the timeframe for a facility that performs autopsies to become a National Association of Medical Examiners (NAME) accredited facility was referred to FW&M. **HB 1669 (Tindell)** as amended that requires the Department of Mental Health & Developmental

Disabilities (MH&DD) to coordinate with other departments and agencies to promote access to a continuum of appropriate services for persons in psychiatric emergencies including a toll free telephone number for 24/7 access, telephone and walk-in triage screening, assessment, intervention and follow-up, and access to crisis respite and crisis stabilization beds; states the legislative intent for MH&DD to maintain funding and services for the portion of emergency psychiatric services continuum for persons who are not eligible for TennCare and are uninsured at levels equal to those provided on January 1, 2009; and, requires MH&DD to report to the Planning and Policy Council and the Fiscal Review Committee identifying all means the Department intends to use to make resources available in the event that appropriations are not sufficient to continue funding these services at that level was referred to FW&M.



**Rep. Tindell**



After extended discussion and testimony from opponents and proponents, **HB 2145 (Kernell)** that requires the Department of Human Services to promulgate by rule the Child Care Certificate Program Policy and Procedure Manual and authorizes appeal by a child care agency under certain circumstances was rolled one week for further testimony from the Department of Human Services. **HB 2265 (Jones S, Turner M)** as amended that revises existing statutory background check provisions relative to the Department of Human Services, including access to new databases, was referred to C&R. **HB 2282 (Ferguson, Turner M)** as amended that enacts the “Adult Care Home Act of 2009” was referred to Gov Op. **HB 1114 (Shepard)** as amended that authorizes home health care services provided in the recipient’s home to follow the recipient into the community under certain circumstances, authorizes home health nurses or aids to accompany a recipient outside of the home during the course of prior approved services if certain criteria are met, and prohibits any additional reimbursement to home health agencies for accompanying recipients outside the home was referred to FW&M. **HB 1646 (Jones U)** as amended concerning the establishment of a Board of Credentialing for Child Care Professionals failed 1-20-4 on a roll call vote. **HB 1495 (Maggart)** as amended that redefines the “practice of polysomnography” and requires respiratory therapists who provide polysomnography services to be credentialed as a registered polysomnographic technologist by the Board of Polysomnographic Technologists, or as a sleep disorders specialist by the National Board for Respiratory Care, or to have undergone a standardized, uniform mechanism to document competency in polysomnography as approved by the Tennessee Board of Respiratory Care in consultation with the Board of Medical Examiners was referred to C&R.

As committee time expired, the remaining bills on calendar were rolled one week: **HB 0722 (Niceley)**, **HB 1268 (Favors)**, **HB 1810 (Hill)**, **HB 1871 (Ramsey)**, **HB 0950 (Lynn)**, **HB 1756 (Hensley)**, **HB 1655 (Armstrong)**, and **HB 1651 (Armstrong)**.

The Health Care Facilities Subcommittee and Public Health & Family Assistance Subcommittee are closed subject to the call of the Chairs.

## **PROFESSIONAL OCCUPATIONS SUBCOMMITTEE**

The **Professional Occupations Subcommittee** completed its final calendar immediately after session on Thursday, May 7, 2009. **HB 1275 (Ferguson)** as amended that directs the Tennessee Code Commission to change references from “division of mental retardation services” in TCA Titles 4, 33, and 71 to the “division of intellectual disabilities services” was referred to full committee.

**HB 1715 (Turner M)** as amended that gives the TennCare Pharmacy Advisory Committee recommendation authority over any new proposed deletions or additions to drugs currently on the TennCare auto-exemption list was referred to full committee. **HB 2337**

**(Winningham)** that establishes requirements for companies that do not receive government reimbursement to provide adult daily living requirements, including medications, to clients was referred to summer study at the request of the sponsor.



There being no further business before the subcommittee, the **Professional Occupations Subcommittee is closed subject to the call of the Chair.**



## THE FULL COMMITTEE



**Chairman Coleman**

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, May 13, 2009 with 63 bills on calendar.

The Committee will meet again on Tuesday, May 19, 2009, at 2:30 pm.

These are the bills “as introduced.”  
**\*\*NOTE: Due to the length of Wednesday’s meeting, bills considered and**

*their actions will be discussed in next week’s Research Review.*

**1. HB 1762 (Shipley)** requires doctors and hospitals treating minor children to release the results of medical tests and procedures performed on the child to the child’s parents upon request.

**2. HB 1257 (Tindell)** allows Attorney General or the chief deputy to issue a subpoena for production of records related to Internet and computer use in cases of sexual exploitation of a minor.

**3. HB 1258 (Tindell)** creates the “Tennessee Second Look Commission.”

**4. HB 1432 (Sontany)** includes zoning violations and violations of building and property standards and codes as nuisances for purposes of laws regarding abatement of nuisances.

**5. HB 0232 (Todd)** adds number of units as basis for grading criminal classification of use of counterfeit mark or logo.

**6. HB 0234 (Todd)** requires law enforcement agencies to open shooting ranges to retired, full-time, commissioned law enforcement officers when not used

by law enforcement personnel, in addition to present, permissible use by general public.

**7. HB 0615 (Todd)** makes confidential all information furnished by a witness during the course of certain investigations.

**8. HB 1363 (Todd)** creates the “Citizens’ Right to Know: Pretrial Release Program.”

**9. HB 0932 (Kernell)** authorizes victims of certain violent crimes to have immediate access to their phone, banking, and credit card records.

**10. HB 2099 (Towns)** makes it a criminal offense punishable by fine and community service only to knowingly wear pants below waistline to show underwear or buttocks; earmarks proceeds of fines to equipment for school activities.

**11. HB 2109 (Floyd)** limits the civil liability of persons who own, lease, occupy, or control land when others use such land to engage in certain off-road activities and are injured due to the inherent risks associated with engaging in such activities.

**12. HB 1931 (Bone)** limits tort liability of agritourism professionals under certain circumstances.

**13. HB 1592 (Bone)** exempts Wilson County from the requirement that appeals from the Probate Court (i.e., General Sessions Court acting as the Probate Court) must be heard anew in Chancery Court de novo.

**14. HB 1379 (Johnson P)** allows criminal court or clerk to convert a defendant’s unpaid fines, costs, and litigation taxes at time of sentence expiration to civil judgment and allows court to enter into agreement with defendant to perform community service work in lieu of payment of such fines, costs, and taxes.

**15. HB 0346 (Hackworth)** establishes a program for a senior alert system in Tennessee within the TBI in cooperation with local law enforcement agencies for assistance in locating certain disabled persons who are missing.

**16. HB 1354 (Carr)** requires local governments and law enforcement to cooperate with federal officials on

immigration status of any person in the state and prohibits local governments from enacting sanctuary policies toward immigrants.

**17. HB 0250 (Carr)** creates a misdemeanor offense to knowingly allow a minor to drink or possess alcoholic beverages or knowingly fail to stop a minor from drinking or possessing alcoholic beverages while the minor is present on real property owned or otherwise possessed by the offender; establishes certain exceptions.

**18. HB 1212 (Coley)** requires the county commission of each county with more than one division of its general sessions court to designate one division as the domestic violence division, which has exclusive jurisdiction over domestic violence cases in the county.

**19. HB 1120 (Haynes)** prohibits sexual offender from being upon the premises of or loitering within 1,000 feet of a school, day care center, park, playground, or recreation center when child under 18 likely to be present.

**20. HJR 0108 (Lynn)** urges Congress to recognize Tennessee's sovereignty under the tenth amendment to the Constitution.

**21. HB 1598 (Lynn)** prohibits a government entity from substantially burdening a person's free exercise of religion unless it demonstrates the application of the burden is essential to further a compelling government interest and is the least restrictive means of furthering that interest.

**22. HB 1183 (Ford)** prohibits any state, county, or municipal elected official, or in the case of a constitutionally elected peace officer, such officer's deputy, from acting as a professional bondsman, unless acting in such capacity on the effective date of this act.

**23. HB 1479 (DeBerry J)** creates the unified family court pilot program.

**24. HB 2369 (Turner L)** increases time for enforcement of breach of fiduciary duty of directors of for-profit corporations from one year to three years; increases statute of repose from three years to six years.

**25. HB 1385 (Harrison)** provides for prescreening agents, physicians, and psychologists to be considered state employees when assessing persons for admission and transportation to involuntary inpatient treatment;

establishes a task force to study issues related to transportation of persons to such treatment.

**26. HB 1579 (Harrison)** specifies that statutory cause of action for alcohol-related injuries is in addition to common law causes of action for such injuries.

**27. HB 1775 (Jones S)** enacts the "Tennessee Court Reporter Act of 2009."

**28. HB 0335 (Richardson)** adds as an advisory enhancement factor to sentencing that defendant intentionally chose victim of crime based on gender identity or expression.

**29. HB 2284 (Ferguson)** enacts the "Elderly and Disabled Adults Protection Act of 2009."

**30. HB 2296 (Gilmore)** enacts the "Tennessee Viatical Settlement Act of 2009."

**31. HB 1637 (Jones U)** revises the law concerning qualifications for and practices of notary publics in certain circumstances; creates protections for true owners of residential real property where deeds have been signed by persons involved in fraudulent and criminal activities concerning such property.

**32. HB 1707 (Curtiss)** broadens the scope of the "Personal Rights Protection Act of 1984."

**33. HJR 0104 (Campfield)** affirms Tennessee's sovereignty under the Tenth Amendment to the United States Constitution.

**34. HR 0083 (Hardaway)** urges department of safety to determine the need for a state-wide policy on minimum standards of fresh pursuit.

**35. HB 0143 (Weaver)** increases time from three to four months for claimant to file claim against dissolved limited partnership.

**36. HB 0391 (Fincher)** makes price-gouging of gasoline during a state of emergency a Class A misdemeanor.

**37. HB 1795 (West)** specifies circumstances in which a person has no duty to retreat before threatening or using force in self-defense; extends circumstances under which there is a legal presumption that a person using force in self-defense was justified; confers civil immunity upon a person properly using self-defense; prescribes procedures by which law enforcement

agencies shall investigate instances in which use of force may have been justified.

**38. HB 0154 (Faulkner)** increases length of validity for proxy appointment for corporate shareholder voting purposes from 11 months to one year.

**39. HB 1267 (Faulkner)** allows multi-county judicial district option of sending any local funds received to the executive director of the district public defenders conference for disbursement or to keep such funds for disbursement through the district's office.

**40. HB 2018 (Kelsey)** authorizes the governor to make interim appointments to fill judicial vacancies if the judicial selection commission sunsets on June 30, 2009.

**41. HB 0724 (Kelsey)** allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and places where alcoholic beverages are being served; allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training.

**42. HB 1348 (Kelsey)** authorizes court to order outpatient evaluation of criminal defendant pending a post-trial proceeding under certain circumstances.

**43. HB 1837 (Kelsey)** requires person convicted of DUI to obtain a special "DUI OFFENDER" license plate from department of revenue for display on the person's vehicle for a year plus any period of time the person has a restricted license.

**44. HB 1700 (Watson)** enacts the "Exclusionary Rule Reform Act."

**45. HB 1430 (Sontany)** adds \$1 privilege tax on criminal cases to fund grants for a 24-hour a day victim information and notification system to be operated by the Tennessee sheriff's association.

**46. HB 0403 (Sontany)** prohibits any person who has, or has had in the past two years, a sexual relationship with a party or a party's attorney from recording or transcribing for submission to any court or administrative tribunal any hearing in an action involving such party or such party's attorney.

**47. HB 1747 (Sontany)** exempts railroads from certain notice requirements related to criminal trespass.

**48. HB 0887 (Sontany)** adds to present law requirement that an applicant for approval as a bonding company owner have at least two years' experience with a professional bonding company by specifying that the experience must have been as an approved bail bond agent employed by a licensed professional bonding company in Tennessee.

**49. HB 1210 (Bass)** prohibits parent from being issued arrest warrant or criminal summons against teacher without written approval of district attorney if the conduct alleged involved the teacher and a child of such parent.

**50. HB 0597 (Coleman)** requires the administrative office of the court to propose a realistic time within which post-conviction relief petitions in capital cases are finally disposed of if it is determined the one-year statutory time limit is not realistic.

**51. HB 0591 (Coleman)** deletes offense of interception of cellular or wireless telephone transmissions; redefines "electronic communication" and "wire communication" for certain wiretapping and electronic surveillance offenses.

**52. HB 1449 (Coleman)** provides that in order to practice law, person must receive license issued by the Supreme Court and comply with Rule 6 of the Rules of the Supreme Court, except for Rule 19 pro hac vice admissions.

**53. HB 1450 (Coleman)** authorizes recovery of cost of collecting unpaid municipal court fees and costs from the defendant.

**54. HB 2234 (Coleman)** expands the definition of severe child abuse to include exposing a child to the use or distribution of methamphetamines.

**55. HB 1454 (Coleman)** requires the district attorney general to complete a certificate of counsel that states that a copy of the uniform judgment document has been served on all parties.

**56. HB 1503 (Coleman)** clarifies certain procedural elements of service of garnishments.

**57. HB 1504 (Coleman)** establishes immunity from civil liability for persons furnishing, disclosing, or requesting information without malice pursuant to public records laws.

**58. HB 0590 (Coleman)** defines “proceeds” for money laundering offenses to include gross profits from commission of any unlawful activity including real or personal property.

**59. HB 0589 (Coleman)** adds aggravated child abuse, aggravated child neglect, rape of a child, and aggravated rape of a child to list of criminal offenses that support sentence of death or life imprisonment when committed in conjunction with first degree murder.

**60. HB 1453 (Coleman)** provides that court-approved attorney fees in medical malpractice case are conclusively presumed to be reasonable in any subsequent action before the board of professional responsibility based on a complaint concerning the amount or reasonableness of the attorney fees.

**61. HB 2299 (Coleman)** extends immunity to person who causes injury or death to another or damage to

property in performing services requested by government during an emergency, including training exercises, unless damage results from gross negligence or willful misconduct; limits immunity for persons who provide emergency shelters under certain circumstances.

**62. HB 2233 (Coleman)** adds the necessity of showing by clear and convincing evidence to the extraordinary good cause needed for a court to excuse noncompliance with certain requirements for medical malpractice filings.

**63. HB 0806 (Campfield)** authorizes court costs and attorney’s fees, along with previously made child support payments, be awarded to a man who is determined not to be the father of such child.

## state & local government

Lawrence Hall, Jr.

### THE FULL COMMITTEE

This week in State and Local Government’s full committee, there were 36 bills on the calendar. Twenty-one bills were passed to Calendar and Rules and eight were passed to Finance, Ways and Means. All other bills were either rolled to next year or to the last calendar. Next week will be the final calendar for this committee.



**Chairman Todd**

*To Calendar and Rules:*

**HB 1692 by Mumpower** - Grants state recognition to certain Indian tribes, bands, and groups;

provides means for other Indian tribes, bands, and groups to receive state recognition.

**HJR 382 by Hardaway** - Directs department of correction to study feasibility of state of Tennessee providing funding for halfway houses. -

**HB 1578 by Windle** - Permits a person being interviewed concerning periodic routine searches for contraband of employees of the department of correction to record interviews and interrogations and requires the interviewer to record such interviews; limits the application of present law permitting the dismissal of an employee for failing to take a polygraph examination only to situations relating to such searches for contraband.

**HB 1662 by Armstrong** - Modifies description and the requirements of eligible properties for certain redevelopment or urban renewal plans containing tax increment financing.

**HB 196 by Weaver** – This bill increases the number of interested persons necessary to petition an agency requesting the adoption, amendment, or repeal of a rule from five or more to 10 or more.



**HB 1779 by Casada** - Establishes review of Utility Management Review Board decisions by the Tennessee Regulatory Authority.

**HB 1976 by Fitzhugh** - Includes wastewater facilities within the definition of local government for certain purposes.

**HB 1196 by Maggart** - Adds to qualifications to be a sheriff that person must have five years of full-time POST-certified law enforcement experience and must have resided in county for one year prior to qualifying date.

**HB 1702 by McCord** - Redefines “hotel” to clarify that the property of Blackberry Farm may not be contiguous and may be divided by a public or private road.

**HB 1688 by Moore** - Provides that any insurance company formed as a successor in interest shall not receive a reduction in its apportionment ratio for property tax purposes if the previous company already received such reduction.

**HB 1933 by Jones U** - Authorizes conveyance of certain property purchased at tax sale by Shelby County, or included municipality, to adjoining property owners upon actual or in-kind payments of property’s fair market value.

**HB 1633 by Jones U** - Exempts from licensing requirements transactions between collectors involving sale, purchase, or exchange of commemorative bottles containing an alcoholic beverage.

**HB 309 by Sargent** - Revises the manner of amending the comprehensive growth plan after the initial three-year period following the approval of the initial growth plan.

*To Finance, Ways and Means:*

**HB 506 by Todd** – This bill transfers the duties of the ethics commission to the registry of election finance if the ethics commission automatically terminates and ceases to exist on June 30, 2009, pursuant to the sunset law.

**HB 610 by Stewart** - Mandates the department of correction to develop and implement a society plan for every incarcerated prisoner for reentry into society.

**HB 1542 by Stewart** - Allows counties and municipalities to create exemption to local option sales tax for replacement trees purchased toward commercial or public utility property’s required tree density.

**HB 129 by Hardaway** - Directs human rights commission to develop a Title VI compliance plan applicable to certain state governmental entities; sets out duties of human rights commission in regards to Title VI provisions.

**HB 1587 by Curtiss** - Allows any city, town, or county to charge a records maintenance fee, not to exceed \$5.00, for each record the city, town, or county is required to maintain and to use the fees to offset the cost of maintaining such records.

**HB 1921 by Montgomery** - Clarifies the authority of the legislative body of a municipality to approve the acquisition of a public facility that had been improved or constructed by a third party and to issue revenue bonds to finance all costs and expenses incurred in connection with the acquisition of the facilities.

**HB 2175 by DeBerry L** - Exempts Shelby County from prohibition against correcting clerical mistakes in tax reports or schedule filed by a taxpayer with the assessor.

**HB 2095 by Towns** - Requires a referendum be conducted before a publicly funded entity can be sold or leased; “sale or lease” means that more than 30 percent of the assets of the entity are subject to sale or lease.

**All other subcommittees are closed.**

## THE FULL COMMITTEE



**Chairman Harmon**

### **The House Transportation Committee**

convened May 13, 2009. There were nine bills on the calendar.

**HB2196 (Camper)** and **HB415 (Windle)** were rolled to the last calendar.

**HB541 (Litz)** was referred to summer study

**HB968 (McCord)** failed.

The following bills were passed by the committee and referred to the **Calendar and Rules Committee**:

**HB2069 (J. Cobb)** – As amended, creates a pilot project for eleven cities to allow golf carts on city streets with a speed limit of 30 mph or less. The bill contains reporting requirements and regulations for the cities to follow. The pilot project would sunset July 1, 2010.

**HB2186 (Sargent)** – Will be amended in Finance, Ways and Means, once the amendment is worked out, to create the Tennessee Transportation State Infrastructure Fund in the Tennessee Local Development Agency to make loans to local governments or public transportation agencies for transportation projects. The fund will comprise of funds from the Tennessee State Infrastructure Bank and stimulus money that is allocated to Tennessee that other states were not able to use. The Commissioner of TDOT must recommend any project before it is approved. The bill will be held in Budget Sub until the amendment is worked out.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**:

**HB1202 (McCord)** – As amended, prohibits surveillance cameras, except for Smart Way cameras, on interstates except in TDOT work zones. Also, the bill requires that a state agency or political subdivision of the state, that uses surveillance cameras at intersections, not cite any vehicle that legally entered the intersection during the green or yellow interval. The bill will require signage not less than 500 feet and no more than 1000 feet before the intersection. Should the state agency or political subdivision issue a citation in violation of this bill, then any citation based solely on evidence generated by the surveillance camera will be deemed void.

**HJR331 (Fincher)** – “Maurine Ensor Patton Memorial Highway” highway signs on segment of U.S. Highway 70N in Putnam County.

**HB1335 (Harmon)** – As amended, the Omnibus Special License Plate Bill for 2009. The bill creates the following new license plates:

- Music City Inc. Foundation
- United Way
- University of Illinois
- Cherohala Skyway
- TN SOLAR POWER
- The Lord’s Child
- Tennessee Nurses Foundation
- I Recycle
- Tennessee Off-Highway Vehicle Association
- Colon Cancer Awareness
- In God We Trust
- Pi Kappa Alpha
- Niswonger Children’s Hospital
- Teachers
- Rotary International

The bill extends the application period for the following plates for one year:

- Share the Road
- Tennessee Urban Forestry Council
- Appalachian Trail
- Shriner’s Hospital
- Tennessee Association of Realtors
- Tennessee Emergency Medical Services Education Association

The bill also makes the following changes to current statute regarding license plates:

- Adds former municipal court judges to eligibility list for judiciary registration plates, whether elected or otherwise.
- Changes the Fraternal Order of Police from a cultural plate to a specialty earmarked license plate
- Reauthorizes the Support Our Troops specialty earmarked license plate
- Allows the Department of Revenue to facilitate delivery of any new specialty earmarked, national guard, memorial or military plate authorized for a motorcycle in a manner that maximizes efficiency and costs, and is not unduly burdensome to either the department or county clerks
- Allows for emergency plates to be issued for motorcycles
- Extends the Civil War Preservation special license plate for two years, and makes the Civil War Preservation plate the official license plate for Tennessee's Civil War sesquicentennial commemoration

#### **RURAL ROADS SUBCOMMITTEE**

The **Rural Roads Subcommittee** is closed subject to the call of the chair.

#### **PUBLIC SAFETY SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** is closed subject to the call of the chair.

# **HOUSE COMMITTEE CLOSINGS**

*(Subject to the call of the Chairs)*

## **AGRICULTURE**

Full Committee meets Tuesday, May 19, 2009.  
General Subcommittee will not meet next week.

## **CHILDREN & FAMILY AFFAIRS**

Full Committee - Final calendar issued for Wednesday, May 20, 2009.  
Domestic Relations Subcommittee - Closed  
Family Justice Subcommittee – Closed

## **COMMERCE**

Full Committee and Subcommittees are closed.

## **CONSERVATION & ENVIRONMENT**

Full Committee and Subcommittees are closed.

## **CONSUMER & EMPLOYEE AFFAIRS**

Full Committee and Subcommittees are closed.

## **EDUCATION**

Full Committee - Final calendar issued for Wednesday, May 20, 2009.  
K-12 Subcommittee - Closed  
Higher Education Subcommittee – Closed

## **FINANCE, WAYS & MEANS**

Full Committee and the Budget Subcommittee continue to meet.

## **GOVERNMENT OPERATIONS**

Calendar issued for May 20, 2009.

## **HEALTH & HUMAN RESOURCES**

Full Committee - Final calendar issued for Tuesday, May 19, 2009.  
Health Care Facilities Subcommittee - Closed  
Public Health & Family Assistance Subcommittee – Closed  
Professional Occupations Subcommittee –Closed

## **JUDICIARY**

Full Committee – Final calendar issued for Tuesday, May 19, 2009.  
Civil Practice & Procedure Subcommittee – Closed  
Criminal Practice & Procedure Subcommittee – Closed

## **STATE & LOCAL GOVERNMENT**

Full Committee – Final calendar issued for Wednesday, May 20, 2009.  
Elections Subcommittee – Closed  
Local Government Subcommittee – Closed  
State Government Subcommittee – Closed

## **TRANSPORTATION**

Full Committee and Subcommittees are closed.



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